

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Deborah Trapp,

Plaintiff,

V.

One Main Financial Services, Inc.,

Defendant.

Civil Action No.: 4:16-cv-511

COMPLAINT

JURY

For this Complaint, Plaintiff, Deborah Trapp, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA").

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Deborah Trapp (“Plaintiff”), is an adult individual residing in Shady Shores, Texas, and is a “person” as defined by 47 U.S.C. § 153(39).

4. Defendant One Main Financial Services, Inc. (“One Main”), is a Maryland business entity with an address of 300 St. Paul Place, Baltimore, Maryland, 21202, and is a “person” as defined by 47 U.S.C. § 153(39).

FACTS

5. Within the last year, One Main began calling Plaintiff's cellular telephone, number 940-xxx-6647, using an automatic telephone dialing system ("ATDS") and using an artificial or prerecorded message.

6. When Plaintiff answered calls from One Main, she heard a prerecorded message which requested that Plaintiff call One Main.

7. In or around November 2015, Plaintiff spoke with One Main and demanded that the calls cease.

8. Nevertheless, One Main continued to place automated calls to Plaintiff's cellular telephone number.

COUNT I
VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, et. seq.

9. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

10. At all times mentioned herein, Defendant called Plaintiff's cellular telephone number using an ATDS or predictive dialer and using a prerecorded or artificial voice.

11. Defendant continued to place automated calls to Plaintiff's cellular telephone number despite knowing that it lacked consent to do so. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

12. The telephone number called by Defendant was assigned to a cellular telephone service for which Plaintiff incurs charges pursuant to 47 U.S.C. § 227(b)(1).

13. Plaintiff was annoyed, harassed and inconvenienced by Defendant's continued calls.

14. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

15. Plaintiff is entitled to an award of \$500.00 pursuant to 47 U.S.C. § 227(b)(3)(B).

16. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
- C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: July 11, 2016

Respectfully submitted,

By /s/ Jenny DeFrancisco

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